THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13991 of 2007

Date: 24.07.2007

Between:

The Kailash Residents and Residency Owners Welfare Association.

.. PETITIONER

AND

The Nodal Officer and others.

..RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13991 of 2007

ORDER:

Petitioner is the Welfare Association of Residents and Residency Owners (for short 'the Association') at Kailash Metta, Visakhapatnam, registered in the year 2005. The area, in which the members of the Association reside, is said to have been provided with cable network by M/s. Devi Vision, second respondent herein, through its agent viz., M/s. R.K.Network, 3rd respondent herein. The petitioner claims to have made a representation, dated 20.06.2007, to the first respondent, alleging that the third respondent discontinued its services suddenly with

effect from 11.06.2007. It complains that no action has been taken by the first respondent.

Sri A.Srininvas Sarma, the learned counsel for the petitioner submits that the first respondent is conferred with the power to regulate the functioning of cable networks and still, he has not chosen to take any steps against respondents 2 and 3.

No provision is mentioned in the representation submitted by the petitioner. The question of the first respondent being required to take any action would arise, if only the petitioner has invoked the relevant provisions of law. Basically, the relationship between the provider of the cable network, on the one hand, and the consumer, on the other, is governed by the terms of the respective contracts. Except that an allegation is made to the effect that respondents 2 and 3 have abruptly stopped the cable network to its members, the petitioner has not alleged the violation of any particular term of contract or provision of law. In this scenario, this Court finds it difficult to give any specific directions to the first respondent. However, in case, the petitioner is able to draw the attention of the first respondent to any specific provision of law and allege that respondents 2 and 3 have violated it, the first respondent

would be under obligation to examine the matter, with reference to the relevant provisions, and take necessary action.

Hence, the writ petition is disposed of, leaving it open to the petitioner to make a fresh representation, narrating its grievances, with reference to a specific provision of law, which confers powers upon the first respondent. As and when such a representation is made, the first respondent shall take necessary action, in accordance with law. There shall be no order as to costs.

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24.07.2007

JSU